



1764

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(to be used for all correspondence after initial filing)

Application Number	10/006,876		
	Filing Date	December 5, 2001	
	First Named Inventor	Stevens, James F.	
	Art Unit	1764	
	Examiner Name	Ridley, Basia A.	
Total Number of Pages in This Submission	4	Attorney Docket Number	00041-DV4

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment-/ Reply (Election) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	ChevronTexaco Corporation		
Signature			
Printed Name	Frank C. Turner		
Date	April 20, 2005	Reg. No.	39,863

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Typed or printed name	Frank C. Turner	Date	April 20, 2005

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Frank C. Turner

Frank C. Turner, Reg. No. 39,863

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stevens, et al.

Group Art Unit: 1764

Serial No.: 10/006,876

Examiner: Ridley, Basia Anna

Filed: December 5, 2001

For: METHOD FOR REDUCING THE
CARBON MONOXIDE CONTENT
OF A HYDROGEN RICH GAS

Attorney Docket No.: 00041-DV4

Confirmation No. 5220

ELECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Election is responsive to the restriction requirement mailed March 24, 2005, for which a shortened statutory period for response of thirty (30) days was set, making this election due by April 24, 2005. This Election is believed to be timely filed and that no fees are due. In the event the Office determines that fees are due in association with the filing of this Election, the Office is hereby authorized to deduct said fees from Deposit Account No. 03-1620.

The restriction mailed March 24, 2005 (the "Office Action"), alleged that the captioned application contains the following inventions, referred to herein as Inventions I-II.

- I. Claims 1-8, drawn to a method classified in class 48, subclass 198.7; and
- II. Claims 9-21, drawn to an apparatus classified in class 422, subclass 211.

Election With Traverse

Applicants hereby elect claims 9-21, identified by the Office as Invention II, for examination in the captioned application. Applicants' election is made with traverse for the reasons that follow.

Inventions I and II

It is alleged by the Office that Inventions I and II are related as process and apparatus for its practice, but are distinct because the apparatus as claimed can be used to practice another and materially different process. Specifically, the Office Action states that,

"the apparatus as claimed can be used to practice another and materially different process, such as for production of synthesis gas."

Applicants maintain, however, that the apparatus and methods of the present invention are so closely related that the claimed methods will include those methods that may be practiced by the claimed apparatus. A brief review of the elements of the claimed apparatus, as exemplified by claim 9, and the claimed method, as exemplified by claim 1, is illustrative. Specifically, the apparatus of claim 9 comprises (1) a catalyst bed containing an oxidation catalyst, (2) a porous tube positioned substantially within the catalyst bed for distributing an oxygen-containing stream throughout the catalyst bed, and (3) a cooling jacket for maintaining the reactor operating temperature in a desired range. Similarly, the method of claim 1 comprises (1) providing a reactor having a catalyst bed containing an oxidation

catalyst, (2) distributing an oxygen-containing stream throughout the catalyst bed and (3) maintaining the reactor operating temperature in a desired range. To the extent that the apparatus as claimed could be used to produce synthesis gas, such a process would not constitute a materially different process from the methods recited in claim 1.


Inventions I and II are not distinct for the reasons cited by the Office. Reconsideration of the restriction requirement with regard to Inventions I and II is respectfully requested.

* * * * *

Applicants respectfully request reconsideration of the restriction requirement with respect to the Inventions I and II based on the traversal contained herein. This is believed to be a full and complete response to the outstanding Restriction mailed March 24, 2005. The present application is believed to be in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the captioned application is respectfully requested.

Respectfully submitted,


Frank C. Turner
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April 20, 2005
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